

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Herbert Goodman on 11/30/09.

The application has been amended as follows:

In Claim 1, line 3, the term "containing" has been replaced by "prepared by copolymerizing"; and in line 5, the term "the" has been replaced by "a".

In Claim 6, line 2, the term "the plane" has been replaced by "a plane".

In Claim 7, line 3, the term "the" has been replaced by "a".

In Claim 9, line 2, the term "the plane" has been replaced by "a plane".

In Claim 10, line 3, the term "the" has been replaced by "a".

In Claim 11, line 2, the term "the zone" has been replaced by "a zone"; and in line 4, the term "the interface" has been replaced by "an interface".

In Claim 12, line 4, the term "the third" has been replaced by "a third".

In Claim 14, line 3, the term "the" has been replaced by "a"; in line 7, the term "containing" has been replaced by "derived from"; in line 13, the term "containing" has been replaced by "prepared by copolymerizing"; in line 14, the term "the" has been replaced by "a", and in line 15, the term "the content" has been replaced by "a content".

2. The following is an examiner's statement of reasons for allowance: the closest prior art reference, Shimizu et al teach a coextruded, biaxially oriented polyester laminate film to be applied one or both sides of a metal sheet for producing food containers wherein the film comprises plural polyester layers including one surface layer comprising a polyester A and a lubricant in a proportion of 1-5 wt % and the other surface layer B comprising a polyester wherein 5-15 mol % of the entire acid component is a dimer acid component. The polyester composition A has a cyclic trimer content of preferably not more than 0.7wt%, more preferably not more than 0.5 wt%, wherein the polyester may be polyethylene terephthalate copolymer and polybutyrene terephthalate copolymer with other copolymer components including those as listed such as a cyclohexane dimethanol. The polyester B can be formed from glycol components and dicarboxylic acid components as recited in Col. 6, including 5-sodium sulfoisophthalate as well as mixtures thereof, wherein terephthalic acid and ethylene glycol are preferred. However, as noted by the Applicant in the Arguments filed 4/16/09, Shimizu et al fail to teach or fairly suggest that the lower layer contacting the metal sheet comprises a copolyalkylene terephthalate as instantly claimed, which is prepared by copolymerizing 1 to 10% by mole of aromatic dicarboxylic acid having metal sulfonate group and terephthalic acid as the dicarboxylic acid component.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/
Primary Examiner, Art Unit 1794
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